

NATIONAL LEGISLATION: LITHUANIA

CIVIL CODE

CHAPTER XI PARENTAL RIGHTS AND DUTIES IN RESPECT OF THEIR CHILDREN

SECTION ONE PARENTAL AUTHORITY

Article 3.155. Substance of paternal authority

1. Until they attain majority or emancipation, children shall be cared for by their parents.
2. Parents shall have a right and a duty to properly educate and bring up their children, care for their health and, having regard to their physical and mental state, to create favourable conditions for their full and harmonious development so that the child should be ready for an independent life in society.

Article 3.156. Equality of paternal authority

1. The father and the mother shall have equal rights and duties in respect of their children.
2. Parents shall have equal rights and duties by their children irrespective of whether the child was born to a married or unmarried couple, after divorce or judicial nullity of the marriage or separation.

Article 3.157. Representation of children

1. Legally incapable children shall be represented by their parents under the law, except where the parents have been declared legally incapable by a court judgement.
2. Parents shall represent their children on the presentation of the child's birth certificate.

Article 3.158. Authority of minor-aged parents

1. Minor parents with full active capacity shall have all personal rights and duties in respect of their children.
2. Minor parents who are legally incapable or of limited active capacity shall have a right to live together with their child and participate in the child's education. In such cases a guardian/foster person shall be appointed to the child in the procedure provided for in this Book hereof.
3. On attaining majority or full active capacity, the parents shall acquire all the rights and duties in respect of their children.

Article 3.159. Mandatory exercise of parental authority

1. A father's or mother's surrender of the rights and duties by his or her underage children shall be null and void.
2. Parents shall be jointly and severally responsible for the care and education of their children.
3. Parental authority may not be used contrary to the interests of the child.
4. Failure to exercise parental authority shall be subject to legal responsibility under the law.

Article 3.160. End of parental authority

1. Parental rights and duties shall end when the child attains majority or full active capacity.
2. In certain cases considered in the light of the child's interests, parental authority may be limited on a temporary or permanent basis or the child may be separated from the parents in the procedure laid down in this Book hereof.

SECTION TWO CHILDREN'S RIGHTS AND DUTIES

Article 3.161. Children's rights

1. Every child shall have an inalienable right to life, healthy development and a name and surname from birth.
2. A child shall have a right to know his or her parents unless that prejudices his or her interests or the law provides for otherwise.
3. A child shall have a right to live with his or her parents, be brought up and cared for in his or her parents' family, have contact with his or her parents no matter whether the parents live together or separately, have contact with his or her relatives, unless that is prejudicial to the child's interests.
4. Children shall have no ownership rights to the property of their parents and the parents shall have no ownership rights to the property of their children. Children's property rights are defined in this and the other Books hereof.
5. Children born within or outside marriage shall have equal rights.
6. Children's rights shall not be affected by their parents' divorce, separation or nullity of marriage.

Article 3.162. Children's duties

Children shall owe respect to their parents and perform their duties by their parents diligently.

Article 3.163. Assurance of children's rights

1. The rights of minor-aged children shall be assured by the parents.
2. The rights of children deprived of parental care shall be assured by the guardian/curator according to the rules laid down in this Book.
3. After a minor attains full active capacity, the protection of his or her rights shall be his or her own responsibility.
4. If the parents or guardians/curators abuse their children's rights, measures to defend the children's rights may be taken by the state institution for the protection of the child's rights or a prosecutor.

Article 3.164. Involvement of a minor in the assurance of his or her rights

1. In considering any question related to a child, the child, if capable of formulating his or her views, must be heard directly or, where that is impossible, through a representative. Any decisions on such a question must be taken with regard to the child's wishes unless they are contrary to the child's interests. In making a decision on the appointment of a child's guardian/curator or on a child's adoption, the child's wishes shall be given paramount consideration.

2. If a child considers that his or her parents abuse his or her rights, the child shall have a right to apply to a state institution for the protection of the child's rights or, on attaining the age of 14, to bring the matter before the court.

**SECTION THREE
PERSONAL PARENTAL RIGHTS AND DUTIES**

Article 3.165. Substance of personal parental rights and duties

1. Parents shall have a right and duty to bring up their children; they shall be responsible for their children's education and development, their health and spiritual and moral guidance. In performing these duties, parents shall have a priority right over the rights of other persons.

2. Parents must create conditions for their children to learn during their compulsory school age.

3. All questions related to the education of their children parents shall decide by mutual agreement. In the event of the lack of agreement, the disputed matter shall be resolved by the court.

Article 3.166. Giving a child a name

1. Every child shall be given a name by his or her parents.

2. A child may be given two names.

3. A child shall be given a name by the mutual agreement of the parents. Where the child's mother and father cannot agree on the name, the child shall be given a name by a judicial order.

4. While registering the birth of a child whose parents' identity is not known, the child shall be given a name by the state institution for the protection of the child's rights.

Article 3.167. Giving a child a surname

1. Every child shall be given his or her parents' surname.

2. Where the surnames of the child's parents are different, the child shall be given the mother's or the father's surname by the mutual agreement of the parents. If the parents cannot agree, the child shall be given the surname of one of the parents by a judicial order.

3. While registering the birth of a child whose parents' identity is not known, the child shall be given a surname by the state institution for the protection of the child's rights.

4. The grounds and procedures for changing a child's name or surname shall be subject to the Rules of the Registration of Civil Status approved by the Minister of Justice.

Article 3.168. A child's residence

1. An underage child's residence shall be determined in accordance with the rules of Book Two hereof.
2. A child may not be separated from his or her parents against his or her will, except in cases provided for in this Book.
3. Parents shall have a right to demand the return of their children from any person who keeps them against the law or a court judgement.

Article 3.169. A child's residence where the parents are separated

1. Where the parents are separated, the child's residence shall be decided by the mutual agreement of the parents.
2. In the event of a dispute over the child's residence, the child's residence shall be determined by a residence order awarded by the court in favour of one of the parents.
3. If the circumstances change or if the parent with whom the child was to live lets the other parent live with and bring up the child, the other parent may file a second suit for the determination of the child's residence.

Article 3.170. The right of the separated parent to have contact with the child and be involved in the child's education

1. The father or the mother who lives separately from the child shall have a right to have contact with the child and be involved in the child's education.
2. A child whose parents are separated shall have a right to have constant and direct contact with both the parents irrespective of their residence.
3. The father or the mother with whom the child resides may not interfere with the other parent's contacts with the child or involvement in the child's education.
4. Where the parents cannot agree as to the involvement of the separated father or mother in the education of and association with the child, the procedure of the separated parent's association with the child and involvement in the child's education shall be determined by the court.
5. The separated father or mother shall have a right to receive information about the child from all the institutions and authorities concerned with the child's education, training, health care, protection of the child's rights, etc. Such information may be denied only in cases where the child's life or health is imperilled by the mother or the father and in cases provided for by the law.
6. The refusal of authorities, organisations, institutions or natural persons to provide information to the parents about their children may be brought before the court.

Article 3.171. Contact with the child and involvement in the child's education in special circumstances

Parents shall maintain contact and be involved in the education of the child who is placed in a special situation (detention, arrest, imprisonment, in-patient clinic, etc.) in the procedure laid down by the law.

Article 3.172. Contact of other relatives with the child

Parents (or guardians/curators if there are no parents) shall be obliged to create conditions for the children to associate with their next of kin provided that it is consistent with the children's interests.

SECTION FOUR DISPUTES OVER CHILDREN

Article 3.173. Disputes over the name or surname of the child

1. If a child's parents cannot agree on a name or surname to be given to the child, the child's father, mother or the parents (guardians/curators) of the child's legally incapable minor-aged parents shall have a right to petition to the court for an order giving the child a name or a surname.
2. The court shall deal with a petition for an order giving a child a name or a surname in the simplified procedure and, having heard the parents or having received their written explanations, shall hand down such an order.

Article 3.174. Disputes over a child's residence

1. Petitions for the determination of a child's residence may be filed by the child's father, mother, also by the parents or guardians/curators of the child's minor-aged parents of limited active capacity.
2. The court shall resolve the dispute having regard to the interests of the child and the child's wishes. The child's wishes may be disregarded only if they are contrary to the best interests of the child.

Article 3.175. Disputes of separated parents over contact with the child or involvement in the education of the child

1. Petitions for contact or involvement in the child's education orders may be filed by the child's father, mother or the parents (guardians/curators) of the child's legally incapable minor-aged parents.
2. The court shall determine the procedure for the separated parent's contact with the child by taking into consideration the child's interests and by creating a possibility for the separated parent to be involved in the education of the child to the greatest extent possible. Minimal contact with the child may be ordered only in cases where constant maximal contact is prejudicial to the child's interests.

Article 3.176. Disputes over the child's contact with his or her close relatives

1. If the parents refuse to create conditions for their children to have contact with their close relatives, the state institution for the protection of the child's rights shall obligate the parents to create such conditions.
2. The state institution for the protection of the child's rights may refuse to obligate the parents to create conditions for their child's contact with his or her next of kin if such contact is contrary to the child's interests.
3. If the parents fail to comply with the obligation of the institution for the protection of the child's rights or the child's next of kin do not agree with the decision of the state institution for the protection of the child's rights refusing to oblige the child's parents to create conditions for their contact with the child, the child's next of kin may bring the matter before the court.
4. The court having regard to the child's interests may oblige the parents to create conditions for their child's contact with the close relatives provided it is not contrary to the child's interests.

Article 3.177. The child's right to express his or her views

When adjudicating on disputes over children, the court must hear the child capable of expressing his or her views and ascertain the wishes of the child.

Article 3.178. Mandatory participation of the state institution for the protection of the child's rights

1. The state institution for the protection of the child's rights must participate in the examination of disputes over children.
2. Having investigated the conditions in the family environment, the state institution for the protection of the child's rights shall present its opinion to the court. In adjudicating the dispute, the court shall take into consideration not only the opinion, but also the wishes of the child and the evidence adduced by the other parties.

**SECTION FIVE
RESTRICTION OF PARENTAL AUTHORITY**

Article 3.179. Separation of parents and children

1. Where the parents (the father or the mother) do not live together with the child for objective reasons (illness, etc.) and the court has to decide where the child is to live, the court may decide to separate the child from the parents (the father or the mother). Where only one of the parents is affected by unfavourable circumstances while the other parent can live and bring up the child, the child shall be separated only from that parent.
2. The child separated from the parents shall retain all the personal and property rights and duties based on consanguinity.
3. When a child is separated from the parents (the father or the mother), the parents lose their right to live together with the child or demand the return of the child from other persons. The parents may exercise their other rights in so far as that is possible without living together with the child.

Article 3.180. Conditions, methods and consequences of the restriction of parental authority

1. Where the parents (the father or the mother) fail in their duties to bring up their children or abuse their parental authority or treat their children cruelly or produce a harmful effect on their children by their immoral behaviour or do not care for their children, the court may make a judgement for a temporary or unlimited restriction of parental power (that of the father or the mother.)
2. The court shall make judgements for temporary or unlimited indefinite restriction of parental authority (that of the father or the mother) by having regard to the circumstances of the case that require a restriction of parental authority. Parental authority may be restricted unlimitedly only where the court makes the conclusion that the parents (the father or the mother) do very great harm to the development of the child or do not care for the child and no change in the situation is forthcoming.
3. Temporary or unlimited restriction of parental authority involves the suspension of the personal and property rights of the parents based on consanguinity and under the law. The parents, however, shall retain the right of visitation, except where that is contrary to the child's interests. Where parental authority is restricted unlimitedly, the child may be adopted without the consent of the parents.

4. Restriction of parental authority shall extend only to the children and to the parent in respect of whom the court has made the judgement.

Article 3.181. Cancellation of the restriction of parental authority or the replacement of the kind of limitation with another kind of limitation

1. The separation of a child from the parents (the father or the mother) may be revoked after the disappearance of the circumstances that caused the order for separation.

2. A temporary or unlimited restriction of parental authority may be revoked on the proof that the parents (the father or the mother) have changed their conduct and can bring up their child and if the cancellation of the restriction is not contrary to the interests of the child.

3. Where the circumstances have changed, but the grounds for a complete cancellation of the unlimited restriction of parental authority are insufficient, the indefinite limitation of parental authority may be replaced with a temporary restriction of parental authority.

4. If it transpires that the circumstances why the child may not live together with the parents remain after the cancellation of the temporary or unlimited restriction of parental authority, the temporary or unlimited restriction of parental authority may be replaced with an order for the separation of the child from the parents.

5. Where the parents (the father or the mother) separated from their children exercise their parental authority contrary to the interests of the children, their parental authority may be subject to temporary or unlimited restriction.

6. Restriction of parental authority may be revoked only if the child has not been adopted.

Article 3.182. Persons entitled to seek restriction of parental authority or the cancellation of the limitation of parental authority

1. An application for the separation of a child from the parents (the father or the mother) may be filed by the child's parents or close relatives or the state institution for the protection of the child's rights or a public prosecutor.

2. An action for a temporary or unlimited restriction of parental authority may be brought by one of the parents or close relatives or the state institution for the protection of the child's rights or a public prosecutor or the guardian/curator of the child.

3. An action for the cancellation of the restriction of parental authority may be brought by the parents (the father or the mother) to whose parental authority the restriction has been applied.

4. An application for the cancellation of the order on the separation of the child from the parents (the father or the mother) may be filed by the parents or one of the parents, or the guardian/curator or close relatives of the child or the state institution for the protection of the child's rights or a public prosecutor.

Article 3.183. Examination of application for the restriction of parental authority

1. Applications for the separation of children from the parents shall be examined in a simplified procedure. If it transpires that there is a ground for temporary or unlimited restriction of parental authority, the application shall be referred to the court to be adjudicated in contentious proceedings.

2. In examining actions for the restriction of parental authority or applications for the separation of a child from the parents referred to it for adjudication in

contentious proceedings, the court shall not be bound by the subject matter of the action and shall pass a judgement by taking account of the situation in hand and the interests of the child.

3. The court shall hear the child capable of expressing his or her views and take such views into account.

4. Having made a judgement to restrict parental authority, the court shall simultaneously place the child under guardianship (curatorship) and determine the residence of the child by the same judgement..

Article 3.184. Mandatory participation of the state institution for the protection of the child's rights

1. The state institution for the protection of the child's rights must participate in the examination of cases for the restriction of parental authority.

2. Having investigated the conditions of the family, the state institution for the protection of the child's rights shall present its opinion to the court. The court shall take the opinion into consideration together with the evidence adduced in the case.

**CHAPTER XII
MUTUAL PROPERTY RIGHTS AND DUTIES OF PARENTS AND
CHILDREN**

**SECTION ONE
PARENTAL RIGHTS AND DUTIES RELATED TO THE
PROPERTY OWNED BY THE CHILDREN**

Article 3.185 Management of the property owned by underage children

1. Property owned by underage children shall be managed by the parents under right of usufruct. The parents' right of usufruct may not be pledged or sold or assigned or encumbered in any way, no execution may be made against it.

2. Parents shall manage the property that belongs to their underage child by mutual agreement. In the event of a dispute over the management of the child's property, either parent may petition for a judicial order establishing the procedure for the management of the property.

3. Where the parents, or one of the parents, cause harm to the child's interests by mismanaging their underage child's property, the state institution for the protection of the child's rights or a public prosecutor may apply to the court for the removal of the parents from the management of the property that belongs to their underage child. Where warranted, the court shall remove the parents from the management of their underage child's property, revoke their right of usufruct to the child's property and appoint another person an administrator of the minor's property. Where the grounds for the removal are no longer existent, the court may allow the parents to resume the management of their underage children's property under right of usufruct.

Article 3.186. The duties of the parents in managing their underage children's property

1. Parents must manage their underage children's property by giving paramount consideration to the interests of the children.

2. The parents may use the fruits and income derived from their underage child's property to meet the needs of the family by taking account of the child's interests.

3. In managing the property of their underage child, the parents have no right to acquire, directly or through intermediaries, this property or any rights to it. This rule shall also be applicable to auctioning a minor's property or interests in it. An action to have such transactions declared null and void may be brought by the child or the child's successors.

4. The parents of an underage child may not enter into a contract of -assignment of claim under which they would acquire the right of claim to their underage child's property or the child's rights to it.

Article 3.187. Property of minors not subject to the right of usufruct

Parents shall have no right to manage the property under right of usufruct if that property

- 1) has been acquired for the money earned by the child;
- 2) is intended for the purposes of the child's education, hobbies or leisure;
- 3) has been devolved to the child by donation or succession on condition that it will not be made subject to usufruct.

Article 3.188. Transactions relating to an underage child's property

1. Without the prior leave of the court parents shall have no right to:

- 1) alienate or charge their underage children's property or encumber the rights to it in any other way;
- 2) accept or decline to accept inheritance on behalf of their underage children;
- 3) enter into a lease agreement in respect of their underage children's property for a longer than a five-year term;
- 4) enter into an arbitration agreement on behalf of their underage children;
- 5) enter into a loan agreement on behalf of their underage children for an amount exceeding four minimal monthly wages;
- 6) invest the funds of their underage children in excess of ten minimal monthly wages.

2. If a transaction causes a conflict of interests between the underage children of the same parents or between an underage child and the child's parents, the court, on the application of either of the parents, shall appoint an ad hoc guardian as to the transaction.

3. Where there is a conflict of interests between an underage child and one of the child's parents, the child's interests shall be represented and transactions shall be made by the parent whose interests do not conflict with those of the child.

4. A breach of the rules laid down in Paragraphs 1, 2 and 3 may cause the court to declare the transaction null and void in an action brought by the child, one of the child's parents or their successors.

Article 3.189. Prohibition to assign or encumber the right of usufruct

1. Parents who manage their underage children's property under right of usufruct may not assign or pledge or encumber the right of usufruct in any way.

2. The claims of the creditors of underage children's parents may not be -executed against the property of the underage children or against the right of usufruct of their parents.

Article 3.190. Right of usufruct where the property is managed by one of the parents

1. Where parental authority is exercised only by one of the parents of a minor, the minor's property shall be managed only by that parent. Where the parents are divorced or separated, the right to manage the minor's property shall belong to the parent with whom the child is to live.

2. If the father (mother) of an underage child enters into a new marriage, he or she shall retain the right of usufruct in respect of the underage child's property, but shall be obliged to transfer all the fruits and income derived from the property to the minor's bank account and to maintain separate accounts for the fruits in excess of the expenses for the child's education (training, education, maintenance). If the new spouse of the child's father (mother) adopts the child, he or she shall also acquire the right to manage the underage child's property.

Article 3.191. End of the property management and right of usufruct

1. Parents shall lose the right to manage their underage children's property under right of usufruct, when:

- 1) the minor is emancipated under the law;
- 2) the minor contracts a marriage in the procedure laid down by the law;
- 3) the minor reaches majority;
- 4) the court makes an order for the removal of the parents from the management of their underage child's property;
- 5) the court separates the children from the parents or limits their parental authority.

2. Where the parents (or one of the parents with whom the child lives) continue to use the child's property after the end of the right of usufruct, they shall be obliged to return the property and all the income and fruits derived from the child's property to the child from the moment when the child or the child's representative demands it.

SECTION TWO

MUTUAL MAINTENANCE DUTIES OF PARENTS AND CHILDREN

Article 3.192. Parents' duty to maintain their children

1. Parents shall be obliged to maintain their underage children. The procedure and form of maintenance shall be determined by the mutual agreement of the parents.

2. The amount for maintenance must be commensurate with the needs of the children and the financial situation of their parents; it must ensure the existence of conditions necessary for the child's development.

3. Both parents must provide maintenance to their underage children in accordance with their financial situation.

Article 3.193. Parental agreement on the maintenance of their underage children

1. On divorce by mutual agreement (Article 3.51 hereof) or on separation (Article 3.73 hereof) spouses shall make an agreement providing for their mutual duties in maintaining their underage children as well as the procedure, amount and form of such maintenance. The agreement shall be approved by the court (Article 3.53 hereof).

2. Parents of underage children may conclude an agreement on the maintenance of their children also when their divorce is based on other grounds.

3. If one of the parents does not comply with the agreement on the maintenance of their underage children approved by the court, the other parent shall have a right to apply to the court for the issuance of the writ of execution.

Article 3.194. Maintenance orders

1. If the parents (or one of the parents) fail in the duty to maintain their underage children, the court may issue a maintenance order in an action brought by one of the parents or the child's guardian (curator) or the state institution for the protection of the child's rights.

2. A maintenance order may also be issued if on divorce or on separation the parents did not agree on the maintenance of their underage children in the procedure provided for in this Book.

3. The court shall issue a maintenance order until the child attains majority except in cases where the child lacks capacity for work due to a disability determined before the age of majority.

4. The enforcement of the maintenance order shall be terminated when the child:

- 1) is emancipated;
- 2) attains majority;
- 3) is adopted;
- 4) dies.

5. If the person obliged to pay maintenance dies, the duty of maintenance shall pass to his or her successors within the limits of the inherited property irrespective of the way the estate is accepted under the rules of Book Five hereof.

Article 3.195. Maintenance duty when the children are separated from their parents

The parents' duty to maintain their underage children shall be retained after the separation of the children from their parents or the limitation of parental authority except in cases where the child is adopted.

Article 3.196. The form and amount of maintenance

1. The court may issue a maintenance order obligating the parents (one of the parents) who fail in their duty to maintain their children to provide maintenance to their children in the following ways:

- 1) periodical monthly payments;
- 2) a certain lump sum;
- 3) award of certain property.

2. Pending the outcome of the case, the court may give a ruling on the provisional payment of maintenance.

Article 3.197. Judicial pledge (hypothec)

If necessary, in making a maintenance order the court may institute pledge (hypothec) against the property of the parents (one of the parents). If the court judgement on the enforcement of the maintenance order is not executed, the maintenance shall be paid against the property subject to the pledge (hypothec).

Article 3.198. Maintenance orders in respect of two or more children

1. In making a maintenance order in respect of two or more children, the court shall determine a payment amount sufficient to meet at least the minimal needs of all the children.
2. The maintenance amount shall be used equally for all the children except in cases where objective reasons (illness, etc.) demand a departure from the principle of equality.

Article 3.199. Kinds of income against which maintenance payments shall be made

Maintenance payments for children shall be made against the wages and all the other kinds of income of the parent obliged to pay maintenance.

Article 3.200. The date on which a maintenance order becomes operative

A maintenance order shall take effect from the date on which the right to maintenance becomes operative; the arrears in maintenance payments, however, may not be enforced for a period exceeding three years from the date of the petition for action.

Article 3.201. Changing the amount and form of maintenance

1. In an action brought by the child, the child's parent, the state institution for the protection of the child's rights or a public prosecutor the court may reduce or increase the amount of maintenance if, after the award of the maintenance order, the financial situation of the parties has undergone a fundamental change.
2. An increase in the amount of maintenance may be ordered if there are additional expenses related to the care for the child (illness, injury, need for nursing or permanent attendance). If necessary, the court may issue an order for covering the future expenses related to the treatment of the child.
3. At the request of the persons referred to in Paragraph 1 the court may change the previously established form in which maintenance must be provided.

Article 3.202. Enforcement of maintenance to a child placed under guardianship/ (curatorship)

1. If a child is placed under guardianship/(curatorship), maintenance shall be paid to the guardian who shall use it exclusively for the interests of the child.
2. If a child receiving maintenance under a judicial order lives in an institution for the care of children, the maintenance shall be paid to the institution for the care of children. In such a case, the institution for the care of children opens a bank account for every child receiving maintenance with a credit institution controlled by the State. The funds on the bank account may be used, in the procedure established by the law, only by the child for its own needs or the child's guardian (curator) in the child's interests.

Article 3.203. Use of maintenance

1. The maintenance payments meant for the child shall be used only for the child's needs.
2. Maintenance used by the child's parents, guardians (curators) for other purposes shall be recovered against the assets of the person who has used the child's maintenance not for the needs of the child under a judicial order issued in an action brought by the representatives of the child, the state institution for the protection of the child's rights or a public prosecutor.

Article 3.204. Children maintained by the State

1. The State shall maintain underage children receiving no maintenance from their parents or adult close relatives who are in a position to maintain the child.
2. The amount, procedure and conditions of such maintenance shall be established by the Government.
3. After providing maintenance to an underage child under this Article, the State shall have the right of recourse to recover the maintenance provided to the child from the child's parents or his other adult close relatives provided the court declared the reasons why they failed to provide maintenance to the child to be insufficient.

Article 3.205. The duty of adult children to maintain their parents

1. Adult children shall be obliged to maintain their parents who have lost earning capacity and are in need of support.
2. Maintenance shall be paid according to a mutual agreement between the children and parents or on the basis of the court order issued in an action brought by the parents.
3. Maintenance shall be provided in monthly payments of an established amount.
4. The amount of maintenance shall be determined by the court having regard to the financial situation of the children's family and that of the parents as well as the other important circumstances of the case. In establishing the amount of the maintenance, the court shall have regard to the duty of all the adult children of the parent(s) to maintain their parent(s) irrespective of whether the action for maintenance has been brought against all the children or only one of them.

Article 3.206. Rejection of the parent's claims to maintenance

1. The court may relieve adult children of their duty to maintain their parents who have lost earning capacity if it establishes that the parents had failed in their duties in respect of their minor children.
2. Where the children had been separated permanently from their parents through the fault of the parents, such parents shall have no right to maintenance.

Article 3.207. Compensation for additional expenses of parents who have lost earning capacity

1. If adult children do not care for their parents who have lost earning capacity, the court may issue an order, in an action brought by the parents, for the compensation of the additional expenses the parents sustained due to illness, injury or indispensable attendance performed by strangers for a consideration.
2. In adjudicating on the compensation for such additional expenses, the court shall have regard to the financial situation of the children's family and of the parents as well as the other important circumstances of the case.

Article 3.208. Indexation of maintenance

Where the maintenance is to be made in periodical payments, the maintenance amount shall be indexed annually in accordance with the inflation rates in the procedure established by the Government.

